IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 3118 OF 2005
IN
W.P. NO. 5911 OF 2004

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders	:	Court's or Judge's Orders

Shri Avinash D. Kango, adv. for the Applicant.
Shri Navin Prakash with Khan Javed Akhtar, adv. for the Respondent.

CORAM: V.C.Daga, J.
DATE : 1st December, 2005.

P.C.:

1. Heard the learned advocate for the Applicant. Conduct of the Applicant/Petitioner does not warrant any consideration of the prayer made to grant some time to vacate the suit premises for the simple reason that by an order dated 30th August, 2005, the Petitioner had sought eight weeks time to vacate the suit premises, subject to furnishing of usual decree within two weeks from the date of the order. He choose to obtain time but did not furnish any undertaking as promised to this Court. He did not vacate the suit premises. Under these circumstances, conduct of the Applicant does not warrant exercise of discretion. As such this Court refuses to exercise discretion in favour of the Applicant.

2. The Civil Application stands rejected.

(V.C.Daga,J.)